

CALFEE, HALTER & GRISWOLD LLP

Attorney Docket No. (22727/04119)

DECLARATION
AND POWER OF ATTORNEY

ORIGINAL APPLICATION

As a below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to my name.

We believe we are the original, first and sole inventors (if only one name is listed below) or an original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**IDENTIFICATION OF SOYBEANS HAVING RESISTANCE
TO PHYTOPHTHORA SOJAE**

the specification of which

☒ is attached hereto,
☐ and was amended on _____
(if applicable)

We hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

We hereby claim the benefit of foreign priority under 35 USC 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Country | Application Number | Serial | Filing Date | Legal Status | Priority Claimed |
|---------|-----------------------|--------|-------------|--------------|------------------|
| | | | | | |

We hereby claim the benefit of United States priority under 35 USC §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose information material to the patentability of this application as defined in 37 CFR 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial Number | Filing Date | Legal Status |
|---------------------------|--------------|--------------|
| 10/436,376 | May 12, 2003 | Pending |

We hereby claim the benefit of United States priority under 35 USC §119(e) of any United States provisional application(s) listed below:

| Application Serial Number | Filing Date | Legal Status |
|---------------------------|-------------------|--------------|
| 60/379,304 | May 10, 2002 | Terminated |
| 60/427,637 | November 19, 2002 | Terminated |

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We hereby appoint the following attorney(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Address all telephone calls to Pamela A. Docherty, at telephone number (216) 622-8416.

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We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: **Steven St. Martin**

Inventor's signature: _____

Date: _____

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Full name of second joint inventor: **Dr. Anne Dorrance**

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Full name of third joint inventor: **Dr. Kara Burnham**

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Full name of fourth joint inventor: **Ron Fioritto**

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Full name of fifth joint inventor: **David Francis**

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Full name of sixth joint inventor: **Stuart G. Gordon**

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